

**OPINION
48-112**

September 29, 1948 (OPINION)

LIBRARY

RE: Who is Depositary of Money Donated to Public Library

Re: City operated Public Libraries under Chapter 40-38

N.D.R.C. 1943 and as Amended by Chapter 260, Session Laws of 1945

Your letter of September 27, 1948, re above, has been received and sent to my desk.

You ask whether or not money donated to public libraries established under chapter 40-38 of the 1943 Revised Code has to be deposited with the city treasurer, or whether the library board can hold this money in a separate account and write checks against the same.

It is our opinion that under section 40-3808, any money donated to the library board is held by them as trustees to be used by them for the benefit of the library. If the donor makes any designation as to what the money is to be used for they would have to use it for that specific purpose.

It is our opinion that under this section the library board may designate any depositary they may choose and may draw their warrants or checks against this fund, and that such money does not need to be deposited with the city treasurer.

Since the statute makes no provision for a depositary for the tax moneys raised for library purposes, it is our opinion that such moneys would be deposited with the city treasurer, but to be kept by him in a separate library fund. This fund, under the statute, is disbursed by the board without any control by any other board. However, under the statute they must report to the board of education all receipts from whatever source and all expenditures from whatever source.

P.O. SATHRE

Attorney General